

REMARKS

In the office action, claims 1-16 were rejected under obviousness-type double patenting in view of co-pending U.S. Application No. 09/572,796. Applicants are willing to submit a Terminal Disclaimer to overcome this rejection if the Examination otherwise deems the application allowable.

Claims 1-16 were rejected under 35 U.S.C. §112, first paragraph, in response, the phrase "a currently unused code" has been removed from the revised claims. Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, claim 1 has been revised so that "received" has been changed to "receiver".

Claims 1, 3-5, 9 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,507,601 (Parsa et al.), U.S. Patent No. 6,643,318 (Parsa et al.) and U.S. Patent No. 6,169,759 (Kanterakis et al.). The revised claims recite receiving a combined collision signal and a channel indicator and the channel indicator indicating a selected code out of the predetermined set of codes. None of the prior art either alone or in reasonable combination discloses the use of a combined collision signal and channel indicator in context with the other elements of the claims. The combined collision signal and channel indicator is described at least in part in the specification on page 8, lines 1-5. The combining of the collision signal and the channel indicator reduces overhead on the system and is accordingly patentable.

Applicant: Dick et al.
Application No.: 10/075,410

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

Dick et al.

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Enclosure